

Message Text

LIMITED OFFICIAL USE

PAGE 01 BOGOTA 05900 01 OF 02 242109Z
ACTION ARA-14

INFO OCT-01 ISO-00 SNM-02 NSC-05 L-03 AID-05 DEAE-00
/030 W

-----080245 242206Z /66

P 242004Z JUN 77

FM AMEMBASSY BOGOTA

TO SECSTATE WASHDC PRIORITY 2271

LIMITED OFFICIAL USE SECTION 1 OF 2 BOGOTA 5900

E.O. 11652: N/A

TAGS: SNAR, CO

SUBJ: BOURNE-FLACO MEETING WITH MINISTER OF JUSTICE
AND ATTORNEY GENERAL

1. FOLLOWING IS A MEMORANDUM OF THE CONVERSATION IN WHICH MINISTER OF JUSTICE CESAR GOMEZ ESTRADA, ATTORNEY GENERAL JAIME SERRANO RUEDA, DR. PETER BOURNE, AND MS. MATHEA FALCO PARTICIPATED ON JUNE 22 AT THE MINISTRY OF JUSTICE. ALSO IN ATTENDANCE WERE THE EXECUTIVE SECRETARY OF THE NATIONAL COUNCIL ON DANGEROUS DRUGS, DR. JAIME RIVAS; THE GOC COORDINATOR FOR THE NARCOTICS AIR UNIT, DR. RAUL JANER; AND THE MISSION NARCOR. THIS MEMORANDUM HAS NOT BEEN CLEARED WITH DR. BOURNE AND MS. FALCO.

2. THE MINISTER OF JUSTICE OPENED THE MEETING BY INQUIRING HOW THE VISIT TO BOGOTA HAD BEEN, TO WHICH THE DR. BOURNE AND MS. FLACO REPLIED IT HAD BEEN VERY GOOD. THE MINISTER CONTINUED THAT PRESIDENT LOPEZ HAD BEEN VERY SATISFIED WITH THEIR MEETING THAT MORNING.

3. BOURNE SAID THAT MANY PROBLEMS IN THE DRUG FIELD IN THE U.S. AND COLOMBIA ARE THE SAME. FOR EXAMPLE, DRUG CONTROL IN THE U.S. IS DIVIDED AMONG MANY AGENCIES. THE MINISTER INQUIRED IF ALL THE ACTIVITIES COULD POSSIBLY BE PUT UNDER
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 BOGOTA 05900 01 OF 02 242109Z

ONE AGENCY. BOURNE REPLIED THAT HIS OWN OFFICE HAD BEEN SET UP AS PART OF THE PRESIDENTIAL STAFF TO ATTAIN OVER-ALL COORDINATION.

4. THE CONVERSATION THEN TURNED TO PROBLEMS OF BINATIONAL COOPERATION IN THE PROSECUTION OF DRUG TRAFFICKERS. THE MINISTER AND ATTORNEY GENERAL POINTED OUT DIFFICULTIES IN

THE LAW. CRIMES COMMITTED IN COLOMBIA MUST BE TRIED HERE. IT WOULD BE ILLEGAL TO EXTRADITE THE SUSPECTS FOR PROSECUTION ABROAD. THERE IS AN INTERNATIONAL AGREEMENT ON CERTAIN COMMON CRIMES, BUT IF, FOR EXAMPLE, AN ACT WERE A CRIME IN COLOMBIA BUT NOT IN THE U.S. THE SUSPECT COULD NOT BE SENT TO THE U.S. FALCO SAID THAT CLEARLY THERE ARE WAYS TO IMPROVE THE COORDINATION IN THIS FIELD. WHETHER IT WILL TAKE A TREATY OR AN EXCHANGE OF NOTES WILL HAVE TO BE EXPLORED.

5. THE MINISTER THEN SAID THE SITUATION COULD BECOME EASIER BECAUSE PRESIDENT LOPEZ HAD TALKED OF APPOINTING A LEGAL ATTACHE IN WASHINGTON TO ACT AS A DIRECT CONTACT IN THE NARCOTICS FIELD. THE ATTORNEY GENERAL ADDED THAT THE LEGAL ATTACHE SHOULD HAVE CONSULAR AUTHORITY AS WELL. COLOMBIAN CONSULS ARE AUTHORIZED TO CONDUCT INVESTIGATIONS AND TAKE EVIDENCE ABROAD ACCORDING TO COLOMBIAN LAW FOR USE IN COLOMBIAN COURTS. A PROBLEM IN CONNECTION WITH THE JETMORE, KANSAS, MARIJUANA PLANE CASE IS THAT COLOMBIA HAS ONLY AN HONORARY CONSUL IN KANSAS WHO CANNOT TAKE EVIDENCE.

6. FALCO THEN TOOK UP THE SUBJECT OF THE HELICOPTERS. SHE ASKED WHAT WERE THE MAJOR IMPEDIMENTS IN THE CONTRACT. SHE UNDERSTOOD THEY WERE THE INSURANCE AND THE SIGNATORIES TO THE HELICOL CONTRACT. PERHAPS THERE WERE NO LONGER QUESTIONS, BUT IF THEY WERE, SHE COULD HELP EXPEDITE THEM. THE COLOMBIAN PARTICIPANTS REVIEWED THE COLOMBIAN POSITION LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 BOGOTA 05900 01 OF 02 242109Z

ON THESE TWO ISSUES. AS REGARDS THE CONTRACTUAL ARRANGEMENT, THEY SAID FROM THEIR STANDPOINT IT COULD BE WORKED EITHER OF TWO WAYS: (THE GOC ALREADY HAD DRAFT CONTRACTS FOR THE FIRST WAY.)

A. TWO SEPARATE CONTRACTS. ONE BETWEEN THE GOC AND GELICOL SAYING THE U.S. WOULD PAY THE EXPENSES, AND A SECOND BETWEEN HELICOL AND THE USG SAYING HOW THEY WOULD BE PAID.

B. THREE PARTY CONTRACT AMONG THE GOC, USG AND HELICOL.

7. FALCO SAID SHE AND BOURNE APPRECIATED THE EXPLANATION OF THE OBSTACLES. THEY BOTH FELT STRONGLY THAT THE HELICOPTER PROBLEMS CAN BE SOLVED QUICKLY AFTER THEY REPORT BACK TO PRESIDENT CARTER. LAWYERS ARE PAID TO WORK OUT THE DETAILS. THE MINISTER CONTINUED THAT THERE WAS A GREAT DIFFERENCE BETWEEN THE ENGLISH AND SPANISH TRANSLATIONS OF THE HELICOPTER PROAG AS REGARDED LIABILITY AND THIS HAD CAUSED DIFFICULTIES. FLACO SAID SHE WOULD TALK WITH THE U.S. MISSION ABOUT THIS.

LIMITED OFFICIAL USE

NNN

LIMITED OFFICIAL USE

PAGE 01 BOGOTA 05900 02 OF 02 242141Z
ACTION ARA-14

INFO OCT-01 ISO-00 SNM-02 NSC-05 L-03 AID-05 DEAE-00
/030 W

-----080611 242205Z /66

P 242004Z JUN 77

FM AMEMBASSY BOGOTA

TO SECSTATE WASHDC PRIORITY 2272

LIMITED OFFICIAL USE SECTION 2 OF 2 BOGOTA 5900

8. BOURNE RAISED THE PROBLEM OF USG-GOC COORDINATION CAUSED BY THE FRAGMENTATION OF NARCOTICS RESPONSIBILITIES AMONG THE VARIOUS AGENCIES OF THE GOC. SOMETIMES THE MISSION DID NOT KNOW TO WHICH AGENCY TO GO. THE MINISTER REPLIED THAT IT COULD BE DECIDED RIGHT THERE AMONG FRIENDS THAT IF THE MISSION WAS EVER IN DOUBT IT COULD GO THROUGH THE NATIONAL COUNCIL ON DANGEROUS DRUGS OR THROUGH THE ATTORNEY GENERAL'S OFFICE. THE ATTORNEY GENERAL SAID THAT UNDER THE LAW HIS OFFICE COORDINATES THE ACTIVITIES OF THE JUDICIAL POLICE AND HAS ATTORNEYS WORKING DIRECTLY WITH EACH OF THE ENFORCEMENT ENTITIES. HOWEVER, AID HAS SIGNED AGREEMENTS WITH EACH OF THE SEPARATE ENTITIES AND HIS OFFICE HAS NO INFLUENCE OVER THESE SEPARATE AGREEMENTS. THE SITUATION COULD BE SIMPLIFIED BY CHANNELING ALL OF THE AGREEMENTS THROUGH HIS OFFICE. BOURNE SAID THE U.S. WANTED TO HELP SOLVE THE ORGANIZATIONAL PROBLEMS, NOT MAKE THEM WORSE. SOLUTIONS, HOWEVER, WOULD REQUIRE GRADUAL WORK.

9. THE MINISTER THEN ASKED ABOUT PRESS REPORTS THAT THE U.S. WANTS TO LEGALIZE MARIJUANA. BOURNE SAID THE CARTER ADMINISTRATION FAVORS DECRIMINALIZATION AT THE FEDERAL LEVEL. A NUMBER OF OTHER COUNTRIES WERE ALSO MOVING TOWARD DECRIMINALIZATION; THERE IS A RECOGNITION THAT POLICE RESOURCES CAN BEST BE DIRECTED AGAINST MORE SERIOUS CRIMES. THE CARTER ADMINISTRATION STRESSES THAT IT IS NOT WISE TO
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 BOGOTA 05900 02 OF 02 242141Z

USE DRUGS, BUT IN SOME CASES CRIMINAL SANCTIONS ARE NOT APPROPRIATE. THE ATTORNEY GENERAL SAID IT WAS A RHETORICAL

QUESTION, BUT POSSESSION MEANS TRAFFICKING. HOW IS THIS PROBLEM SOLVED? FALCO REPLIED THE PROBLEM IS WITH DEALERS IN MULTI-KILO AMOUNTS. THE MINISTER ASKED IF THERE COULD BE SUCCESS IN FINDING BIG TRAFFICKERS AFTER DECRIMINALIZATION. BOURNE RESPONDED THAT EVERYDAY TON QUANTITIES OF MARIJUANA ARE BEING SEIZED. ASKED ABOUT SENTENCES FOR SUCH TRAFFICKERS, BOURNE SAID THEY MIGHT GET SOMETHING LIKE TWO YEARS OR IF THEY WERE REALLY BIG TRAFFICKERS THEY MIGHT GET TWENTY YEARS.

10. THE MINISTER SAID THE DISCUSSION HAD BEEN VERY BENEFICIAL. BOURNE RESPONDED THAT THE VISIT HAD BEEN TREMENDOUSLY VALUABLE AND THAT HE AND FALCO WOULD REPORT POSITIVELY TO PRESIDENT CARTER. THEY LOOKED FORWARD TO CLOSE COOPERATION WITH COLOMBIA. THE MINISTER SAID THAT HE WOULD REPORT TO PRESIDENT LOPEZ ON THE MEETING FIRST THING THE FOLLOWING MORNING.
DREXLER

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: MEETINGS, ATTORNEYS
Control Number: n/a
Copy: SINGLE
Sent Date: 24-Jun-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977BOGOTA05900
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770227-0340
Format: TEL
From: BOGOTA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770623/aaaaatzj.tel
Line Count: 188
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 41884977-c288-dd11-92da-001cc4696bcc
Office: ACTION ARA
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 11-Jan-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2048489
Secure: OPEN
Status: NATIVE
Subject: BOURNE-FLACO MEETING WITH MINISTER OF JUSTICE AND ATTORNEY GENERAL
TAGS: SNAR, CO
To: STATE
Type: TE
vdkgvwkey: odhc://SAS/SAS.dbo.SAS_Docs/41884977-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009